

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES OF AMERICA

v.

Criminal No. 2:12-00221

MICHAEL L. WHITE

Defendant.

**Defendant's Proposed Instruction No. 1**

You are instructed that count three of the indictment charges the defendant with being an accessory after the fact in violation of 18 USC § 3. This statute states in pertinent part that whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

The charge alleges that the defendant on or about February 17, 2010, at or near Chapmanville, Logan County, West Virginia, within the Southern District of West Virginia and elsewhere, the defendant Michael L White, knowing that an offense against the United States has been committed, that is, arson in violation of 18 USC §844(i), did knowingly comfort and assist Kimberly Dawn Kinder named herein as an unindicted offender, in order to hinder or prevent her apprehension, trial and punishment, that is, defendant Michael L White falsely stated to an insurance representative that a former tenant purposely burned the Van duplex on or about October 15, 2009, when in truth and in fact as he then well knew, Kimberly Dawn Kinder was

involved in said arsenal of the Van duplex in violation of title 18, United States Code § 3.

In order to sustain the burden of proof of the crime of being an accessory after the fact the government must prove each of the following three elements beyond a reasonable doubt.

One: The crime of arson have been committed by Kimberly Dawn Kinder,

Two: The defendant Michael L White knew that this crime had been committed and that Kimberly Dawn Kinder had committed it; and

Three: The defendant Michael L. White thereafter intentionally received, relieved, comforted, or assisted Kimberly Dawn Kinder in order to hinder and prevent that person's apprehension, trial, or punishment for the crime of arson. The crime of arson has the essential elements as were previously instructed in this case.